

Part 4

Ambulance and Paramedic Providers

26-8a-401 State regulation of emergency medical services market.

- (1) To ensure emergency medical service quality and minimize unnecessary duplication, the department shall regulate the emergency medical service market after October 1, 1999, by creating and operating a statewide system that:
 - (a) consists of exclusive geographic service areas as provided in Section 26-8a-402; and
 - (b) establishes maximum rates as provided in Section 26-8a-403.
- (2)
 - (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.
 - (b) If no expiration date is stated on a license issued before July 1, 1996, the license shall expire on October 1, 1999, unless:
 - (i) the license holder requests agency action before August 1, 1999; and
 - (ii) before October 1, 1999, the department:
 - (A) finds the license has been used as the basis for responding to requests for ambulance or paramedic services during the past five years;
 - (B) identifies one or more specific geographic areas covered by the license in which the license holder has actively and adequately responded as the primary provider to requests for ambulance or paramedic services during the past five years; and
 - (C) determines that the continuation of a license in a specific geographic area identified in Subsection (2)(b)(ii)(B) satisfies:
 - (I) the standards established pursuant to Subsection 26-8a-404(2); and
 - (II) the requirement of public convenience and necessity.
 - (c) If the department finds that a license meets the requirements of Subsection (2)(b), the department shall amend the license to reflect:
 - (i) the specific geographic area of the license; and
 - (ii) a four-year term extension.
 - (d) Before July 1, 1999, the department shall publish notice once a week for four consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) in a newspaper of general circulation in the state.
 - (e) Nothing in this Subsection (2) may be construed as restricting the authority of the department to amend overlapping licenses pursuant to Section 26-8a-416.
- (3) After October 1, 1999, new licenses and license renewals shall be for a four-year term.

Enacted by Chapter 141, 1999 General Session

26-8a-402 Exclusive geographic service areas.

- (1) Each ground ambulance provider license issued under this part shall be for an exclusive geographic service area as described in the license. Only the licensed ground ambulance provider may respond to an ambulance request that originates within the provider's exclusive geographic service area, except as provided in Subsection (5) and Section 26-8a-416.
- (2) Each paramedic provider license issued under this part shall be for an exclusive geographic service area as described in the license. Only the licensed paramedic provider may respond to a paramedic request that originates within the exclusive geographic service area, except as provided in Subsection (6) and Section 26-8a-416.

- (3) Nothing in this section may be construed as either requiring or prohibiting that the formation of boundaries in a given location be the same for a licensed paramedic provider as it is for a licensed ambulance provider.
- (4)
- (a) A licensed ground ambulance or paramedic provider may, as necessary, enter into a mutual aid agreement to allow another licensed provider to give assistance in times of unusual demand, as that term is defined by the committee in rule.
 - (b) A mutual aid agreement shall include a formal written plan detailing the type of assistance and the circumstances under which it would be given.
 - (c) The parties to a mutual aid agreement shall submit a copy of the agreement to the department.
 - (d) Notwithstanding this Subsection (4), a licensed provider may not subcontract with another entity to provide services in the licensed provider's exclusive geographic service area.
- (5) Notwithstanding Subsection (1), a licensed ground ambulance provider may respond to an ambulance request that originates from the exclusive geographic area of another provider:
- (a) pursuant to a mutual aid agreement;
 - (b) to render assistance on a case-by-case basis to that provider; and
 - (c) as necessary to meet needs in time of disaster or other major emergency.
- (6) Notwithstanding Subsection (2), a licensed paramedic provider may respond to a paramedic request that originates from the exclusive geographic area of another provider:
- (a) pursuant to a mutual aid agreement;
 - (b) to render assistance on a case-by-case basis to that provider; and
 - (c) as necessary to meet needs in time of disaster or other major emergency.

Amended by Chapter 1, 2000 General Session

26-8a-403 Establishment of maximum rates.

- (1) The department shall, after receiving recommendations under Subsection (2), establish maximum rates for ground ambulance providers and paramedic providers that are just and reasonable.
- (2) The committee may make recommendations to the department on the maximum rates that should be set under Subsection (1).
- (3)
- (a) The department shall prohibit ground ambulance providers and paramedic providers from charging fees for transporting a patient when the provider does not transport the patient.
 - (b) The provisions of Subsection (3)(a) do not apply to ambulance providers or paramedic providers in a geographic service area which contains a town as defined in Subsection 10-2-301(2)(f).

Amended by Chapter 209, 2006 General Session

26-8a-404 Ground ambulance and paramedic licenses -- Application and department review.

- (1) Except as provided in Section 26-8a-413, an applicant for a ground ambulance or paramedic license shall apply to the department for a license only by:
- (a) submitting a completed application;
 - (b) providing information in the format required by the department; and
 - (c) paying the required fees, including the cost of the hearing officer.
- (2) The department shall make rules establishing minimum qualifications and requirements for:

- (a) personnel;
 - (b) capital reserves;
 - (c) equipment;
 - (d) a business plan;
 - (e) operational procedures;
 - (f) medical direction agreements;
 - (g) management and control; and
 - (h) other matters that may be relevant to an applicant's ability to provide ground ambulance or paramedic service.
- (3) An application for a license to provide ground ambulance service or paramedic service shall be for all ground ambulance services or paramedic services arising within the geographic service area, except that an applicant may apply for a license for less than all ground ambulance services or all paramedic services arising within an exclusive geographic area if it can demonstrate how the remainder of that area will be served.
- (4)
- (a) A ground ambulance service licensee may apply to the department for a license to provide a higher level of service as defined by department rule if:
 - (i) the application for the license is limited to non-911 ambulance or paramedic services; and
 - (ii) the application includes:
 - (A) a copy of the new treatment protocols for the higher level of service approved by the off-line medical director;
 - (B) an assessment of field performance by the applicant's off-line director; and
 - (C) an updated plan of operation demonstrating the ability of the applicant to provide the higher level of service.
 - (b) If the department determines that the applicant has demonstrated the ability to provide the higher level of service in accordance with Subsection (4)(a), the department shall issue a revised license reflecting the higher level of service and the requirements of Section 26-8a-408 do not apply.
- (5) Upon receiving a completed application and the required fees, the department shall review the application and determine whether the application meets the minimum qualifications and requirements for licensure.
- (6) The department may deny an application if it finds that it contains any materially false or misleading information, is incomplete, or if the application demonstrates that the applicant fails to meet the minimum qualifications and requirements for licensure under Subsection (2).
- (7) If the department denies an application, it shall notify the applicant in writing setting forth the grounds for the denial. A denial may be appealed under Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

26-8a-405 Ground ambulance and paramedic licenses -- Agency notice of approval.

- (1) Beginning January 1, 2004, if the department determines that the application meets the minimum requirements for licensure under Section 26-8a-404, the department shall issue a notice of the approved application to the applicant.
- (2) A current license holder responding to a request for proposal under Section 26-8a-405.2 is considered an approved applicant for purposes of Section 26-8a-405.2 if the current license holder, prior to responding to the request for proposal, submits the following to the department:
 - (a) the information required by Subsection 26-8a-404(4)(a)(ii); and

- (b) if the license holder is a private entity, a financial statement, a pro forma budget and necessary letters of credit demonstrating a financial ability to expand service to a new service area; or
- (c) if the license holder is a governmental entity, a letter from the governmental entity's governing body demonstrating the governing body's willingness to financially support the application.

Amended by Chapter 213, 2003 General Session

26-8a-405.1 Selection of provider by political subdivision.

- (1)
 - (a) Only an applicant approved under Section 26-8a-405 may respond to a request for a proposal issued in accordance with Section 26-8a-405.2 or Section 26-8a-405.4 by a political subdivision.
 - (b) A response to a request for proposal is subject to the maximum rates established by the department under Section 26-8a-403.
 - (c) A political subdivision may award a contract to an applicant in response to a request for proposal:
 - (i) in accordance with Section 26-8a-405.2; and
 - (ii) subject to Subsection (2).
- (2)
 - (a) The department shall issue a license to an applicant selected by a political subdivision under Subsection (1) unless the department finds that issuing a license to that applicant would jeopardize the health, safety, and welfare of the citizens of the geographic service area.
 - (b) A license issued under this Subsection (2):
 - (i) is for the exclusive geographic service area approved by the department in accordance with Subsection 26-8a-405.2(2);
 - (ii) is valid for four years;
 - (iii) is not subject to a request for license from another applicant under the provisions of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's license is revoked under Section 26-8a-504; and
 - (iv) is subject to supervision by the department under Sections 26-8a-503 and 26-8a-504.
- (3) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of Sections 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

Amended by Chapter 187, 2010 General Session

26-8a-405.2 Selection of provider -- Request for competitive sealed proposal -- Public convenience and necessity.

- (1)
 - (a) A political subdivision may contract with an applicant approved under Section 26-8a-404 to provide services for the geographic service area that is approved by the department in accordance with Subsection (2), if:
 - (i) the political subdivision complies with the provisions of this section and Section 26-8a-405.3 if the contract is for 911 ambulance or paramedic services; or
 - (ii) the political subdivision complies with Sections 26-8a-405.3 and 26-8a-405.4, if the contract is for non-911 services.
 - (b)

- (i) The provisions of this section and Sections 26-8a-405.1, 26-8a-405.3, and 26-8a-405.4 do not require a political subdivision to issue a request for proposal for ambulance or paramedic services or non-911 services.
- (ii) If a political subdivision does not contract with an applicant in accordance with this section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409 apply to the issuance of a license for ambulance or paramedic services in the geographic service area that is within the boundaries of the political subdivision.
- (iii) If a political subdivision does not contract with an applicant in accordance with this section, Section 26-8a-405.3 and Section 26-8a-405.4, a license for the non-911 services in the geographic service area that is within the boundaries of the political subdivision may be issued:
 - (A) under the public convenience and necessity provisions of Sections 26-8a-406 through 26-8a-409; or
 - (B) by a request for proposal issued by the department under Section 26-8a-405.5.
- (c)
 - (i) For purposes of this Subsection (1)(c):
 - (A) "Fire district" means a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, that:
 - (I) is located in a county of the first or second class; and
 - (II) provides fire protection, paramedic, and emergency services.
 - (B) "Participating municipality" means a city or town whose area is partly or entirely included within a county service area or fire district.
 - (C) "Participating county" means a county whose unincorporated area is partly or entirely included within a fire district.
 - (ii) A participating municipality or participating county may as provided in this section and Section 26-8a-405.3, contract with a provider for 911 ambulance or paramedic service.
 - (iii) If the participating municipality or participating county contracts with a provider for services under this section and Section 26-8a-405.3:
 - (A) the fire district is not obligated to provide the services that are included in the contract between the participating municipality or the participating county and the provider;
 - (B) the fire district may impose taxes and obligations within the fire district in the same manner as if the participating municipality or participating county were receiving all services offered by the fire district; and
 - (C) the participating municipality's and participating county's obligations to the fire district are not diminished.
- (2)
 - (a) The political subdivision shall submit the request for proposal and the exclusive geographic service area to be included in a request for proposal issued under Subsections (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The department shall approve the request for proposal and the exclusive geographic service area:
 - (i) unless the geographic service area creates an orphaned area; and
 - (ii) in accordance with Subsections (2)(b) and (c).
 - (b) The exclusive geographic service area may:
 - (i) include the entire geographic service area that is within the political subdivision's boundaries;
 - (ii) include islands within or adjacent to other peripheral areas not included in the political subdivision that governs the geographic service area; or

- (iii) exclude portions of the geographic service area within the political subdivision's boundaries if another political subdivision or licensed provider agrees to include the excluded area within their license.
- (c) The proposed geographic service area for 911 ambulance or paramedic service shall demonstrate that non-911 ambulance or paramedic service will be provided in the geographic service area, either by the current provider, the applicant, or some other method acceptable to the department. The department may consider the effect of the proposed geographic service area on the costs to the non-911 provider and that provider's ability to provide only non-911 services in the proposed area.

Amended by Chapter 297, 2011 General Session

26-8a-405.3 Use of competitive sealed proposals -- Procedure -- Appeal rights.

- (1)
 - (a) Competitive sealed proposals for paramedic or 911 ambulance services under Section 26-8a-405.2, or for non-911 services under Section 26-8a-405.4, shall be solicited through a request for proposal and the provisions of this section.
 - (b) The governing body of the political subdivision shall approve the request for proposal prior to the notice of the request for proposals under Subsection (1)(c).
 - (c)
 - (i) Notice of the request for proposals shall be published:
 - (A) at least once a week for three consecutive weeks in a newspaper of general circulation published in the county; or
 - (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at least five public places in the county; and
 - (ii) in accordance with Section 45-1-101 for at least 20 days.
- (2)
 - (a) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.
 - (b)
 - (i) Subsequent to the published notice, and prior to selecting an applicant, the political subdivision shall hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
 - (ii) A political subdivision shall allow at least 90 days from the presubmission conference for the proposers to submit proposals.
 - (c) Subsequent to the presubmission conference, the political subdivision may issue addenda to the request for proposals. An addenda to a request for proposal shall be finalized and posted by the political subdivision at least 45 days before the day on which the proposal must be submitted.
 - (d) Offerors to the request for proposals shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submission and before a contract is awarded for the purpose of obtaining best and final offers.
 - (e) In conducting discussions, there shall be no disclosures of any information derived from proposals submitted by competing offerors.
- (3)
 - (a)

- (i) A political subdivision may select an applicant approved by the department under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the most responsible offeror as defined in Section 63G-6a-103.
 - (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the political subdivision, taking into consideration price and the evaluation factors set forth in the request for proposal.
- (b) The applicants who are approved under Section 26-8a-405 and who are selected under this section may be the political subdivision issuing the request for competitive sealed proposals, or any other public entity or entities, any private person or entity, or any combination thereof.
- (c) A political subdivision may reject all of the competitive proposals.
- (4) In seeking competitive sealed proposals and awarding contracts under this section, a political subdivision:
 - (a) shall apply the public convenience and necessity factors listed in Subsections 26-8a-408(2) through (6);
 - (b) shall require the applicant responding to the proposal to disclose how the applicant will meet performance standards in the request for proposal;
 - (c) may not require or restrict an applicant to a certain method of meeting the performance standards, including:
 - (i) requiring ambulance medical personnel to also be a firefighter; or
 - (ii) mandating that offerors use fire stations or dispatch services of the political subdivision;
 - (d) shall require an applicant to submit the proposal:
 - (i) based on full cost accounting in accordance with generally accepted accounting principals; and
 - (ii) if the applicant is a governmental entity, in addition to the requirements of Subsection (4)(e) (i), in accordance with generally accepted government auditing standards and in compliance with the State of Utah Legal Compliance Audit Guide; and
 - (e) shall set forth in the request for proposal:
 - (i) the method for determining full cost accounting in accordance with generally accepted accounting principles, and require an applicant to submit the proposal based on such full cost accounting principles;
 - (ii) guidelines established to further competition and provider accountability; and
 - (iii) a list of the factors that will be considered by the political subdivision in the award of the contract, including by percentage, the relative weight of the factors established under this Subsection (4)(e), which may include such things as:
 - (A) response times;
 - (B) staging locations;
 - (C) experience;
 - (D) quality of care; and
 - (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
- (5)
 - (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply to the procurement process required by this section, except as provided in Subsection (5)(c).
 - (b) A procurement appeals panel described in Section 63G-6a-1702 shall have jurisdiction to review and determine an appeal of an offeror under this section.
 - (c)

- (i) An offeror may appeal the solicitation or award as provided by the political subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror may appeal under the provisions of Subsections (5)(a) and (b).
- (ii) A procurement appeals panel described in Section 63G-6a-1702 shall determine whether the solicitation or award was made in accordance with the procedures set forth in this section and Section 26-8a-405.2.
- (d) The determination of an issue of fact by the appeals board shall be final and conclusive unless arbitrary and capricious or clearly erroneous as provided in Section 63G-6a-1705.

Amended by Chapter 91, 2012 General Session

Amended by Chapter 347, 2012 General Session

Amended by Chapter 347, 2012 General Session, (Coordination Clause)

26-8a-405.4 Non-911 provider -- Finding of meritorious complaint -- Request for proposals.

- (1) Notwithstanding Subsection 26-8a-102(17), for purposes of this section, political subdivision includes:
 - (a) a county of any class; and
 - (b) a city or town located in a county of any class.
- (2)
 - (a) This section applies to a non-911 provider license under this chapter.
 - (b) The department shall, in accordance with Subsections (4) and (5):
 - (i) receive a complaint about a non-911 provider;
 - (ii) determine whether the complaint has merit;
 - (iii) issue a finding of:
 - (A) a meritorious complaint; or
 - (B) a non-meritorious complaint; and
 - (iv) forward a finding of a meritorious complaint to the governing body of the political subdivision:
 - (A) in which the non-911 provider is licensed; or
 - (B) that provides the non-911 services, if different from Subsection (2)(b)(iv)(A).
- (3)
 - (a) A political subdivision that receives a finding of a meritorious complaint from the department:
 - (i) shall take corrective action that the political subdivision determines is appropriate; and
 - (ii) shall, if the political subdivision determines corrective action will not resolve the complaint or is not appropriate:
 - (A) issue a request for proposal for non-911 service in the geographic service area if the political subdivision will not respond to the request for proposal; or
 - (B)
 - (I) make a finding that a request for proposal for non-911 services is appropriate and the political subdivision intends to respond to a request for proposal; and
 - (II) submit the political subdivision's findings to the department with a request that the department issue a request for proposal in accordance with Section 26-8a-405.5.
 - (b)
 - (i) If Subsection (3)(a)(ii)(A) applies, the political subdivision shall issue the request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.
 - (ii) If Subsection (3)(a)(ii)(B) applies, the department shall issue a request for proposal for non-911 services in accordance with Section 26-8a-405.5.
- (4) The department shall make a determination under Subsection (2)(b) if:

- (a) the department receives a written complaint from any of the following in the geographic service area:
 - (i) a hospital;
 - (ii) a health care facility;
 - (iii) a political subdivision; or
 - (iv) an individual; and
 - (b) the department determines, in accordance with Subsection (2)(b), that the complaint has merit.
- (5)
- (a) If the department receives a complaint under Subsection (2)(b), the department shall request a written response from the non-911 provider concerning the complaint.
 - (b) The department shall make a determination under Subsection (2)(b) based on:
 - (i) the written response from the non-911 provider; and
 - (ii) other information that the department may have concerning the quality of service of the non-911 provider.
 - (c)
 - (i) The department's determination under Subsection (2)(b) is not subject to an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
 - (ii) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (2)(b).

Enacted by Chapter 187, 2010 General Session

26-8a-405.5 Use of competitive sealed proposals -- Procedure -- Appeal rights.

- (1)
- (a) The department shall issue a request for proposal for non-911 services in a geographic service area if the department receives a request from a political subdivision under Subsection 26-8a-405.4(3)(a)(ii)(B) to issue a request for proposal for non-911 services.
 - (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be solicited through a request for proposal and the provisions of this section.
 - (c)
 - (i) Notice of the request for proposals shall be published:
 - (A) at least once a week for three consecutive weeks in a newspaper of general circulation published in the county; or
 - (B) if there is no such newspaper, then notice shall be posted for at least 20 days in at least five public places in the county; and
 - (ii) in accordance with Section 45-1-101 for at least 20 days.
- (2)
- (a) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.
 - (b)
 - (i) Subsequent to the published notice, and prior to selecting an applicant, the department shall hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
 - (ii) The department shall allow at least 90 days from the presubmission conference for the proposers to submit proposals.

- (c) Subsequent to the presubmission conference, the department may issue addenda to the request for proposals. An addenda to a request for proposal shall be finalized and posted by the department at least 45 days before the day on which the proposal must be submitted.
 - (d) Offerors to the request for proposals shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submission and before a contract is awarded for the purpose of obtaining best and final offers.
 - (e) In conducting discussions, there shall be no disclosures of any information derived from proposals submitted by competing offerors.
- (3)
- (a)
 - (i) The department may select an applicant approved by the department under Section 26-8a-404 to provide non-911 services by contract to the most responsible offeror as defined in Section 63G-6a-103.
 - (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the public, taking into consideration price and the evaluation factors set forth in the request for proposal.
 - (b) The applicants who are approved under Section 26-8a-405 and who are selected under this section may be the political subdivision responding to the request for competitive sealed proposals, or any other public entity or entities, any private person or entity, or any combination thereof.
 - (c) The department may reject all of the competitive proposals.
- (4) In seeking competitive sealed proposals and awarding contracts under this section, the department:
- (a) shall consider the public convenience and necessity factors listed in Subsections 26-8a-408(2) through (6);
 - (b) shall require the applicant responding to the proposal to disclose how the applicant will meet performance standards in the request for proposal;
 - (c) may not require or restrict an applicant to a certain method of meeting the performance standards, including:
 - (i) requiring ambulance medical personnel to also be a firefighter; or
 - (ii) mandating that offerors use fire stations or dispatch services of the political subdivision;
 - (d) shall require an applicant to submit the proposal:
 - (i) based on full cost accounting in accordance with generally accepted accounting principals; and
 - (ii) if the applicant is a governmental entity, in addition to the requirements of Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and in compliance with the State of Utah Legal Compliance Audit Guide; and
 - (e) shall set forth in the request for proposal:
 - (i) the method for determining full cost accounting in accordance with generally accepted accounting principles, and require an applicant to submit the proposal based on such full cost accounting principles;
 - (ii) guidelines established to further competition and provider accountability; and
 - (iii) a list of the factors that will be considered by the department in the award of the contract, including by percentage, the relative weight of the factors established under this Subsection (4)(e), which may include such things as:
 - (A) response times;
 - (B) staging locations;

- (C) experience;
 - (D) quality of care; and
 - (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
- (5) A license issued under this section:
- (a) is for the exclusive geographic service area approved by the department;
 - (b) is valid for four years;
 - (c) is not subject to a request for license from another applicant under the provisions of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's license is revoked under Section 26-8a-504;
 - (d) is subject to supervision by the department under Sections 26-8a-503 and 26-8a-504; and
 - (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections 26-8a-406 through 26-8a-409.

Amended by Chapter 347, 2012 General Session

26-8a-406 Ground ambulance and paramedic licenses -- Parties.

- (1) When an applicant approved under Section 26-8a-404 seeks licensure under the provisions of Sections 26-8a-406 through 26-8a-409, the department shall:
- (a) issue a notice of agency action to the applicant to commence an informal administrative proceeding;
 - (b) provide notice of the application to all interested parties; and
 - (c) publish notice of the application, at the applicant's expense:
 - (i) once a week for four consecutive weeks, in a newspaper of general circulation in the geographic service area that is the subject of the application; and
 - (ii) in accordance with Section 45-1-101 for four weeks.
- (2) An interested party has 30 days to object to an application.
- (3) If an interested party objects, the presiding officer shall join the interested party as an indispensable party to the proceeding.
- (4) The department may join the proceeding as a party to represent the public interest.
- (5) Others who may be affected by the grant of a license to the applicant may join the proceeding, if the presiding officer determines that they meet the requirement of legal standing.

Amended by Chapter 297, 2011 General Session

26-8a-407 Ground ambulance and paramedic licenses -- Proceedings.

- (1) The presiding officer shall:
- (a) commence an informal adjudicative proceeding within 120 days of receiving a completed application;
 - (b) meet with the applicant and objecting interested parties and provide no less than 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408;
 - (c) set aside a separate time during the proceedings to accept public comment on the application; and
 - (d) present a written decision to the executive director if a resolution has been reached that satisfies the criteria in Section 26-8a-408.
- (2) At any time during an informal adjudicative proceeding under Subsection (1), any party may request conversion of the informal adjudicative proceeding to a formal adjudicative proceeding in accordance with Section 63G-4-202.

- (3) Upon conversion to a formal adjudicative proceeding, a hearing officer shall be assigned to the application as provided in Section 26-8a-409. The hearing officer shall:
 - (a) set aside a separate time during the proceedings to accept public comment on the application;
 - (b) apply the criteria established in Section 26-8a-408; and
 - (c) present a recommended decision to the executive director in writing.
- (4) The executive director may, as set forth in a final written order, accept, modify, reject, or remand the decision of a presiding or hearing officer after:
 - (a) reviewing the record;
 - (b) giving due deference to the officer's decision; and
 - (c) determining whether the criteria in Section 26-8a-408 have been satisfied.

Amended by Chapter 382, 2008 General Session

26-8a-408 Criteria for determining public convenience and necessity.

- (1) The criteria for determining public convenience and necessity is set forth in Subsections (2) through (6).
- (2) Access to emergency medical services shall be maintained or improved. The officer shall consider the impact on existing services, including the impact on response times, call volumes, populations and exclusive geographic service areas served, and the ability of surrounding licensed providers to service their exclusive geographic service areas. The issuance or amendment of a license may not create an orphaned area.
- (3) The quality of service in the area shall be maintained or improved. The officer shall consider the:
 - (a) staffing and equipment standards of the current licensed provider and the applicant;
 - (b) training and certification levels of the current licensed provider's staff and the applicant's staff;
 - (c) continuing medical education provided by the current licensed provider and the applicant;
 - (d) levels of care as defined by department rule;
 - (e) plan of medical control; and
 - (f) the negative or beneficial impact on the regional emergency medical service system to provide service to the public.
- (4) The cost to the public shall be justified. The officer shall consider:
 - (a) the financial solvency of the applicant;
 - (b) the applicant's ability to provide services within the rates established under Section 26-8a-403;
 - (c) the applicant's ability to comply with cost reporting requirements;
 - (d) the cost efficiency of the applicant; and
 - (e) the cost effect of the application on the public, interested parties, and the emergency medical services system.
- (5) Local desires concerning cost, quality, and access shall be considered. The officer shall assess and consider:
 - (a) the existing provider's record of providing services and the applicant's record and ability to provide similar or improved services;
 - (b) locally established emergency medical services goals, including those established in Subsection (7);
 - (c) comment by local governments on the applicant's business and operations plans;
 - (d) comment by interested parties that are providers on the impact of the application on the parties' ability to provide emergency medical services;

- (e) comment by interested parties that are local governments on the impact of the application on the citizens it represents; and
 - (f) public comment on any aspect of the application or proposed license.
- (6) Other related criteria:
- (a) the officer considers necessary; or
 - (b) established by department rule.
- (7) Local governments shall establish cost, quality, and access goals for the ground ambulance and paramedic services that serve their areas.
- (8) In a formal adjudicative proceeding, the applicant bears the burden of establishing that public convenience and necessity require the approval of the application for all or part of the exclusive geographic service area requested.

Amended by Chapter 307, 2015 General Session

26-8a-409 Ground ambulance and paramedic licenses -- Hearing and presiding officers.

- (1) The department shall set certification and training standards for hearing officers and presiding officers.
- (2) At a minimum, a presiding officer shall:
 - (a) be familiar with the theory and application of public convenience and necessity; and
 - (b) have a working knowledge of the emergency medical service system in the state.
- (3) In addition to the requirements in Subsection (2), a hearing officer shall also be licensed to practice law in the state.
- (4) The department shall provide training for hearing officer and presiding officer candidates in the theory and application of public convenience and necessity and on the emergency medical system in the state.
- (5) The department shall maintain a roster of no less than five individuals who meet the minimum qualifications for both presiding and hearing officers and the standards set by the department.
- (6) The parties may mutually select an officer from the roster if the officer is available.
- (7) If the parties cannot agree upon an officer under Subsection (4), the department shall randomly select an officer from the roster or from a smaller group of the roster agreed upon by the applicant and the objecting interested parties.

Enacted by Chapter 141, 1999 General Session

26-8a-410 Local approvals.

- (1) Licensed ambulance providers and paramedic providers shall meet all local zoning and business licensing standards generally applicable to businesses operating within the jurisdiction.
- (2) Publicly subsidized providers shall demonstrate approval of the taxing authority that will provide the subsidy.
- (3) A publicly operated service shall demonstrate that the governing body has approved the provision of services to the entire exclusive geographic service area that is the subject of the license, including those areas that may lie outside the territorial or jurisdictional boundaries of the governing body.

Amended by Chapter 297, 2011 General Session

26-8a-411 Limitation on repetitive applications.

A person who has previously applied for a license under Sections 26-8a-406 through 26-8a-409 may not apply for a license for the same service that covers any exclusive geographic service area that was the subject of the prior application unless:

- (1) one year has passed from the date of the issuance of a final decision under Section 26-8a-407;
or
- (2) all interested parties and the department agree that a new application is in the public interest.

Amended by Chapter 213, 2003 General Session

26-8a-412 License for air ambulance providers.

- (1) An applicant for an air ambulance provider shall apply to the department for a license only by:
 - (a) submitting a complete application;
 - (b) providing information in the format required by the department; and
 - (c) paying the required fees.
- (2) The department may make rules establishing minimum qualifications and requirements for:
 - (a) personnel;
 - (b) capital reserves;
 - (c) equipment;
 - (d) business plan;
 - (e) operational procedures;
 - (f) resource hospital and medical direction agreements;
 - (g) management and control qualifications and requirements; and
 - (h) other matters that may be relevant to an applicant's ability to provide air ambulance services.
- (3) Upon receiving a completed application and the required fees, the department shall review the application and determine whether the application meets the minimum requirements for licensure.
- (4) The department may deny an application for an air ambulance if:
 - (a) the department finds that the application contains any materially false or misleading information or is incomplete;
 - (b) the application demonstrates that the applicant fails to meet the minimum requirements for licensure; or
 - (c) the department finds after inspection that the applicant does not meet the minimum requirements for licensure.
- (5) If the department denies an application under this section, it shall notify the applicant in writing setting forth the grounds for the denial.

Enacted by Chapter 141, 1999 General Session

26-8a-413 License renewals.

- (1) A licensed provider desiring to renew its license shall meet the renewal requirements established by department rule.
- (2) The department shall issue a renewal license for a ground ambulance provider or a paramedic provider upon the licensee's application for a renewal and without a public hearing if there has been:
 - (a) no change in controlling interest in the ownership of the licensee as defined in Section 26-8a-415;
 - (b) no serious, substantiated public complaints filed with the department against the licensee during the term of the previous license;

- (c) no material or substantial change in the basis upon which the license was originally granted;
 - (d) no reasoned objection from the committee or the department; and
 - (e) if the applicant was licensed under the provisions of Sections 26-8a-406 through 26-8a-409, no conflicting license application.
- (3)
- (a)
 - (i) The provisions of this Subsection (3) apply to a provider licensed under the provisions of Sections 26-8a-405.1 and 26-8a-405.2.
 - (ii) A provider may renew its license if the provisions of Subsections (1), (2)(a) through (d), and this Subsection (3) are met.
 - (b)
 - (i) The department shall issue a renewal license to a provider upon the provider's application for renewal for one additional four-year term if the political subdivision certifies to the department that the provider has met all of the specifications of the original bid.
 - (ii) If the political subdivision does not certify to the department that the provider has met all of the specifications of the original bid, the department may not issue a renewal license and the political subdivision shall enter into a public bid process under Sections 26-8a-405.1 and 26-8a-405.2.
 - (c)
 - (i) The department shall issue an additional renewal license to a provider who has already been issued a one-time renewal license under the provisions of Subsection (3)(b)(i) if the department and the political subdivision do not receive, prior to the expiration of the provider's license, written notice from an approved applicant informing the political subdivision of the approved applicant's desire to submit a bid for ambulance or paramedic service.
 - (ii) If the department and the political subdivision receive the notice in accordance with Subsection (3)(c)(i), the department may not issue a renewal license and the political subdivision shall enter into a public bid process under Sections 26-8a-405.1 and 26-8a-405.2.
- (4) The department shall issue a renewal license for an air ambulance provider upon the licensee's application for renewal and completion of the renewal requirements established by department rule.

Amended by Chapter 297, 2011 General Session

26-8a-414 Annexations.

- (1) A municipality shall comply with the provisions of this section if the municipality is licensed under this chapter and desires to provide service to an area that is:
 - (a) included in a petition for annexation under Title 10, Chapter 2, Part 4, Annexation; and
 - (b) currently serviced by another provider licensed under this chapter.
- (2)
 - (a)
 - (i) At least 45 days prior to approving a petition for annexation, the municipality shall certify to the department that by the time of the approval of the annexation the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and
 - (ii) no later than three business days after the municipality files a petition for annexation in accordance with Section 10-2-403, provide written notice of the petition for annexation to:

- (A) the existing licensee providing service to the area included in the petition of annexation;
and
 - (B) the department.
- (b)
- (i) After receiving a certification under Subsection (2)(a), but prior to the municipality approving a petition for annexation, the department may audit the municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).
 - (ii) If the department elects to conduct an audit, the department shall make a finding that the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area if the department finds that the municipality has or will have by the time of the approval of the annexation:
 - (A) adequate trained personnel to deliver basic and advanced life support services;
 - (B) adequate apparatus and equipment to deliver emergency medical services;
 - (C) adequate funding for personnel and equipment; and
 - (D) appropriate medical controls, such as a medical director and base hospital.
 - (iii) The department shall submit the results of the audit in writing to the municipal legislative body.
- (3)
- (a) If the department audit finds that the municipality meets the requirements of Subsection (2)(b)(ii), the department shall issue an amended license to the municipality and all other affected licensees to reflect the municipality's new boundaries after the department receives notice of the approval of the petition for annexation from the municipality in accordance with Section 10-2-425.
- (b)
- (i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the department audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the petition for annexation while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.
 - (ii) The department shall conduct an adjudicative proceeding when requested under Subsection (3)(b)(i).
 - (iii) Notwithstanding the provisions of Sections 26-8a-404 through 26-8a-409, in any adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the department bears the burden of establishing that the municipality cannot, by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).
- (c) If, at the time of the approval of the annexation, an adjudicative proceeding is pending under the provisions of Subsection (3)(b)(i), the department shall issue amended licenses if the municipality prevails in the adjudicative proceeding.

Amended by Chapter 382, 2008 General Session

26-8a-415 Changes in ownership.

- (1) A licensed provider whose ownership or controlling ownership interest has changed shall submit information to the department, as required by department rule:
 - (a) to establish whether the new owner or new controlling party meets minimum requirements for licensure; and

- (b) except as provided in Subsection (2), to commence an administrative proceeding to determine whether the new owner meets the requirement of public convenience and necessity under Section 26-8a-408.
- (2) An administrative proceeding is not required under Subsection (1)(b) if:
 - (a) the change in ownership interest is among existing owners of a closely held corporation and the change does not result in a change in the management of the licensee or in the name of the licensee;
 - (b) the change in ownership in a closely held corporation results in the introduction of new owners, provided that:
 - (i) the new owners are limited to individuals who would be entitled to the equity in the closely held corporation by the laws of intestate succession had the transferor died intestate at the time of the transfer;
 - (ii) the majority owners on January 1, 1999, have been disclosed to the department by October 1, 1999, and the majority owners on January 1, 1999, retain a majority interest in the closely held corporation; and
 - (iii) the name of the licensed provider remains the same;
 - (c) the change in ownership is the result of one or more owners transferring their interests to a trust, limited liability company, partnership, or closely held corporation so long as the transferors retain control over the receiving entity;
 - (d) the change in ownership is the result of a distribution of an estate or a trust upon the death of the testator or the trustor and the recipients are limited to individuals who would be entitled to the interest by the laws of intestate succession had the transferor died intestate at the time of the transfer; or
 - (e) other similar changes that the department establishes, by rule, as having no significant impact on the cost, quality, or access to emergency medical services.

Enacted by Chapter 141, 1999 General Session

26-8a-416 Transition to eliminate inconsistent licenses.

- (1) By May 30, 2000, the department shall review all licenses in effect on October 2, 1999, to identify overlap, as defined in department rule, in the service areas of two or more licensed providers.
- (2) By June 30, 2000, the department shall notify all licensed providers affected by an overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve each overlap, considering the effects on the licensed providers and the areas to be addressed.
- (3) For each overlap, the department shall meet with the affected licensed providers and provide 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408.
- (4)
 - (a) If a resolution is reached under Subsection (2) that the department finds satisfies the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the resolution consistent with Subsection (6).
 - (b) If a resolution is not reached under Subsection (2), the department or any of the licensed providers involved in the matter may request the commencement of a formal adjudicative proceeding to resolve the overlap.
- (5) The department shall commence adjudicative proceedings for any overlap that is not resolved by July 1, 2003.

- (6) Notwithstanding the exclusive geographic service requirement of Section 26-8a-402, the department may amend one or more licenses after a resolution is reached or an adjudicative proceeding has been held to allow:
- (a) a single licensed provider to serve all or part of the overlap area;
 - (b) more than one licensed provider to serve the overlap area;
 - (c) licensed providers to provide different types of service in the overlap area; or
 - (d) licenses that recognize service arrangements that existed on September 30, 1999.
- (7) Notwithstanding Subsection (6), any license for an overlap area terminates upon:
- (a) relinquishment by the provider; or
 - (b) revocation by the department.

Enacted by Chapter 141, 1999 General Session